

Message Text

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PAGE 01 STATE 123097
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INFO OCT-01 EUR-12 EA-09 ISO-00 L-03 COME-00 JUSE-00
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-----272045Z 085604 /66

P R 271631Z MAY 77
FM SECSTATE WASHDC
TO AMEMBASSY TOKYO PRIORITY
AMEMBASSY BONN
USMISSION USBERLIN
INFO USMISSION OECD PARIS
USMISSION EC BRUSSELS

UNCLAS STATE 123097

E.O. 11652: N/A

TAGS: ETRD, OECD

SUBJECT: ANTITRUST: INFORMATION SOUGHT IN CONNECTION WITH
VIDEO RECORDING EQUIPMENT INVESTIGATION

REF: STATE 98023

1. DEPARTMENT HAS BEEN INFORMED THAT "ANTITRUST DIVISION OF
THE DEPARTMENT OF JUSTICE IS PLANNING TO ISSUE THREE DOCU-
MENT REQUEST LETTERS IN CONNECTION WITH ITS CIVIL INVESTI-
GATION OF THE INTERNATIONAL VIDEO RECORDING EQUIPMENT IN-
DUSTRY. THE RESPONDENTS (TWO JAPANESE FIRMS AND ONE
GERMAN FIRM) MAY BE LICENSEES UNDER PATENT AND KNOW-HOW
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LICENSING AGREEMENTS WITH UNITED STATES FIRMS.

2. THE LETTERS SEEK VOLUNTARY PRODUCTION OF CERTAIN DOCU-
MENTS AND INFORMATION RELATING TO THESE LICENSE AGREEMENTS.
DOJ IS INVESTIGATING WHETHER THEY RAISE QUESTIONS OF CIVIL
LIABILITY UNDER THE SHERMAN ACT. THE THREE FIRMS INVOLVED
ARE AS FOLLOWS: VICTOR COMPANY OF JAPAN, LTD.,

HITACHI, LTD., AND ITS SUBSIDIARY HITACHI DENSHI, LTD, AND
ROBERT BOSCH GMBH.

3. JUSTICE IS ALSO PLANNING TO ISSUE A CIVIL INVESTIGATIVE
DEMAND (CID) TO A JAPANESE FIRM, NIPPON ELECTRIC CO., LTD.,
IN CONNECTION WITH THE SAME INVESTIGATION (THIS FIRM HAS

DECLINED TO COOPERATE VOLUNTARILY WITH THE DOJ INVESTIGA-
TION). THE CID WILL ONLY BE SERVED ON THE COMPANY SUB-
SIDIARY IN THE UNITED STATES IN APPROXIMATELY NINE DAYS.
UNDER THE ANTITRUST CIVIL PROCESS ACT AS RECENTLY AMENDED
BY THE HART-SCOTT-RODINO ANTITRUST IMPROVEMENTS ACT OF
1976, CID IS ENFORCED IN CASES OF NON-COMPLIANCE BY A PETI-
TION TO THE COURT FOR AN ORDER TO COMPEL COMPLIANCE.
FAILURE TO COMPLY WITH THE COURT ORDER IS TREATED AS CON-
TEMPT OF COURT. IN ADDITION, SEPARATE CRIMINAL PENALTIES
ARE PROVIDED IN CERTAIN OTHER CIRCUMSTANCES, FOR EXAMPLE,
WHERE INFORMATION IS WILLFULLY WITHHELD OR FALSIFIED.

4. ADDRESSEES ARE REQUESTED TO INFORM HOST GOVERNMENTS OF
THE ABOVE IMPENDING ACTIONS AS THEY AFFECT THEIR COUNTRIES,
IN ACCORDANCE WITH 1967 OECD RECOMMENDATION ON NOTIFI-
CATION OF RESTRICTIVE BUSINESS PRACTICE COMPLAINTS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ANTITRUST, ELECTRONIC EQUIPMENT, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 27-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE123097
Document Source: CORE
Document Unique ID: 00
Drafter: TASCHLENKER:CEK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770190-0723
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977058/aaaaagsr.tel
Line Count: 86
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c4854698-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
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Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 22-Mar-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
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Secure: OPEN
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TAGS: ETRD, EQUIP, JA, US
To: TOKYO BONN MULTIPLE
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